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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,471

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Frank J. M. Benschop

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P. O. Box 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

BOR, HELENE CATHERINE

ART UNIT

PAPER NUMBER

3768

MAIL DATE

DELIVERY MODE

06/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,471	Applicant(s) BENSCHOP ET AL.	
	Examiner HELENE BOR	Art Unit 3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 4-7, 10-11, & 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Gropper et al. (WO 03/046689; enclosed herein).

Claim 4-7, 10-11, & 14-15: Gropper teaches a control system to control the execution of operational items by the diagnostic imaging system (Page 16, Para 0053). Gropper teaches a user interface coupled to the control system, the user interface including a scheduler module which generates an ordered selection of operational items autonomously ordered by the selector module for execution under control of the control system (Page 14, Para 0046). Gropper teaches the ordered selection being generated by arranging the operational items in said ordered selection of operational items based on parameter settings of the operational items wherein the scheduler module is configured to issue instructions to the user promoted by the operational items during imaging (Page 3, Para 0009 & 0011, Page 4, Para 0013-0014, Page 11, Para 0036, Page 14-15, Para 0048, & Claim 24 & 26). Operational items are described in the Applicant's Specification on Page 2, Line 8-15 and understood to encompass various different functions such as patient handling functions and handling of patient information therefore parameters settings such as medical study data, patient data, patient location information and institution data as data items entered in the system of Gropper read on the operational items as disclosed by the Applicant. Gropper teaches wherein the

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imaging apparatus is a MRI (Page 16, Para 0053). Gropper teaches a database with a browser (Claim 25 & Page 5, Para 0020). Gropper teaches wherein the schedule module supports an editing mode (Page 35, Para 00136). Gropper provides progress information related to the execution of the operational items during an imaging session (Claim 18 & Page 16, Para 0054).

Claim Rejections - 35 USC § 103

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gropper et al. (WO 03/046689) and further in view of Karmalawy et al. (US Patent No. 6,603,991 B1).

Claim 9: Gropper teaches a control system to control the execution of operational items by the diagnostic imaging system (Page 16, Para 0053). Gropper teaches a user interface coupled to the control system, the user interface including a scheduler module which generates an ordered selection of operational items autonomously ordered by the selector module for execution under control of the control system (Page 14, Para 0046). Gropper teaches the ordered selection being generated by arranging the operational items in said ordered selection of operational items based on parameter settings of the operational items wherein the scheduler module is configured to issue instructions to the user promoted by the operational items during imaging (Page 3, Para 0009 & 0011, Page 4, Para 0013-0014, Page 11, Para 0036, Page 14-15, Para 0048, & Claim 24 & 26). Gropper teaches wherein the imaging apparatus is a MRI (Page 16, Para 0053). Gropper teaches a database with a browser (Claim 25 & Page 5, Para 0020). Gropper teaches wherein the schedule module supports an editing mode (Page 35, Para 00136).

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Gropper provides progress information related to the execution of the operational items during an imaging session (Claim 18 & Page 16, Para 0054). Gropper teaches various imaging modalities [MRI, X-ray, etc] (Page 15, Para 0051) but fails to teach patient displacement among the various imaging modalities. However, Karmalawy teaches a displaceable patient support (Figure 7, Element 7) controlled by a control system to displace the patient support among the various imaging stations (Col. 5, Line 59-67). It would have been obvious to one of ordinary skill in the art to modify the system of Gropper to include control of a displaceable patient support as taught by Karmalawy in order to allow for close correspondence between the locations of the patient's internal organs during both a CT scan and a NM scan, which will provide more detailed or richer view of the patient's internal organs (Col 5, Line 36-44).

4. Claims 12 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gropper et al. (WO 03/046689) as applied to claim 9 above, and further in view of Karmalawy et al. (US Patent No. 6,603,991 B1).

Claim 12 & 13: Gropper teaches the scheduler issuing the instructions [worklist item/tasks] (Page 16, Para 0055) but fails to teach specific nature of the imaging instructions. However, Karmalawy teaches modality guidance tools which determine information should be provided to a technologist during an imaging session to guide a technologist through a properly orchestrated imaging protocol (Col. 9, Line 34-39 & 61-65). Thus it would have been obvious to one of ordinary skill in the art to modify the system of Gropper to include the guidance system of Banks which is capable of providing protocol instructions, such as when to inject the contrast agent and when to apply the

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RF coil, in order to guide a technologist through a properly orchestrated imaging protocol (Col. 9, Line 61-65).

Response to Arguments

5. Applicant's arguments with respect to claim 3-15 have been considered but are moot in view of the new ground(s) of rejection. The indicated allowability of claim 15 in Office Action mailed 11/13/2008 is withdrawn in view of the newly discovered reference(s) to Gropper et al. (WO 03/046689) and Karmalawy et al. (US Patent No. 6,603,991 B1). Rejections based on the newly cited reference(s) follow.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Seto et al. US Patent No. 6,335,979 B1

b. Viswanth et al. US Patent Application No. 2005206967 A1

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELENE BOR whose telephone number is (571)272-2947. The examiner can normally be reached on M-T 8:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long V. Le can be reached on (571)272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. B./
Examiner, Art Unit 3768

/Eric F Winakur/
Primary Examiner, Art Unit 3768